

REMARKS

The Applicants request reconsideration of the rejection.

Claims 1-14 are pending.

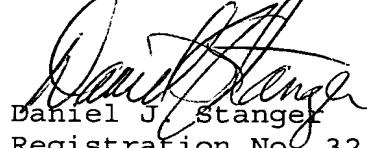
Further to the Reply filed February 19, 2004, the Applicants have amended claims 1-2 and 8-14 to emphasize a feature of the invention which clearly distinguishes the prior art, in particular the disclosure shown in European Patent Publication Number 903681 with respect to the detection of the size of the detection object.

Now, the amendment claims recite that the size of the detection object is detected based on a signal obtained by electrically converting scanning light of the optical scan of a shortest scan from the mark on the background panel to the detection of the detection object. As shown in Figure 5, the height detection period 41 is a relatively short measurement time between detecting the reference line 15 on the background panel and the initial detection of the detection object (in the illustrated case, the top of a test tube). In contrast, as shown in Figure 4 (left portion) of EP '681, the size of the detection object is measured in accordance with a signal  $S_5$  between points C and D at which the opposite ends of the detection object 3 are detected. In other words, the entire

object must be scanned in order to obtain the signal necessary for determining the dimension of the object. Thus, the scanning distance and time required according to EP '681 are both longer than those of the present invention.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

Respectfully submitted,

  
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